

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NORMA FIORENTINO, <i>et al.</i> ,)	CASE NO. 3:09-cv-02284-JEJ
)	
Plaintiffs,)	<i>Complaint date:</i> November 19, 2009
)	
v.)	<i>Assigned to:</i>
)	District Judge John E. Jones III
CABOT OIL & GAS)	
CORPORATION, <i>et al.</i> ,)	
)	
Defendants.)	

**JOINT STIPULATION OF DISMISSAL AND
MOTION FOR ENTRY OF FINAL JUDGMENT WITH RESPECT TO THE
MINOR SETTLING PLAINTIFFS AND THE COSTELLOS**

NOW COME certain minor Plaintiffs, listed individually in Paragraph 1 (the “Minor Settling Plaintiffs”), and Plaintiffs James B. Costello and Julie Costello, (the “Costellos”), as well as Defendants Cabot Oil & Gas Corporation (“Cabot”) and GasSearch Drilling Services Corporation (“GDS”) (collectively, the “Defendants”), and hereby jointly stipulate, pursuant to FED.R.CIV.P. 41(a)(1)(A)(ii), to dismiss voluntarily and with prejudice all claims asserted in the action by the Minor Settling Plaintiffs and the Costellos against Defendants. The Parties also move the Court for entry of final judgment pursuant to FED.R.CIV.P. 54(b) with respect to those claims asserted by the Minor Settling Plaintiffs and the Costellos.

1. The Minor Settling Plaintiffs are:

- a. [REDACTED] by and through parent and natural guardian Samantha Sebjan;

- b. [REDACTED] by and through parent and natural guardian Patricia Farnelli;
- c. [REDACTED] by and through parent and natural guardian Patricia Farnelli;
- d. [REDACTED] by and through parent and natural guardian Patricia Farnelli;
- e. [REDACTED] by and through parent and natural guardian Patricia Farnelli;
- f. [REDACTED] by and through parents and natural guardians Douglas R. Heitsman and JoAnn Heitsman; and
- g. [REDACTED] by and through parent and natural guardian Tamara Carter.

2. The Minor Settling Plaintiffs and the Costellos alleged seven causes of action in their Second Amended Complaint: (i) violation of the Pennsylvania Hazardous Sites Cleanup Act, 35 P.S. § 6020.101, *et seq.*; (ii) negligence; (iii) private nuisance; (iv) strict liability; (v) breach of contract; (vi) fraudulent misrepresentation; and (vii) medical monitoring trust funds. See Doc. No. 25.

3. An eighth cause of action for gross negligence was dismissed by the Court on November 15, 2010. See Doc. No. 61.

4. Effective as of July 20, 2012, the Defendants and each Minor Settling Plaintiff executed a settlement agreement (collectively, the “Minor Settlement Agreements”) that resolves all claims by each Minor Settling Plaintiff against the Defendants.

5. On December 13, 2012, this Honorable Court granted the Motion for Approval of Minors' Settlements filed by the Minor Settling Plaintiffs on December 12, 2012. See Doc. No. 360 and Doc. No. 362.

6. Moreover, effective as of December 18, 2012, the Defendants and the Costellos executed a settlement agreement (the "Costello Settlement Agreement") that resolves all claims by the Costellos against the Defendants.

7. Therefore, the Minor Settling Plaintiffs, the Costellos, and the Defendants file this stipulation and voluntary dismissal, with prejudice, in accordance with the terms of the Minor Settlement Agreements, the Costello Settlement Agreement, and Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, which provides that a plaintiff may stipulate to a voluntary dismissal of claims where the stipulation is signed by all Parties who have appeared.

8. As evidenced by the signature of counsel below, all Parties to this Joint Stipulation are in agreement with the terms of the stipulation and voluntary dismissal, with prejudice, of all claims asserted by the Minor Settling Plaintiffs and the Costellos against the Defendants.

9. Because this Joint Stipulation resolves the claims for fewer than all of the Plaintiffs¹, and because there is no just reason for delay, the Minor Settling Plaintiffs, the Costellos, and Defendants also jointly move this Court, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, for immediate entry of a final judgment with respect to the Minor Settling Plaintiffs and the Costellos.

¹ The Plaintiffs who have not reached settlement agreements with Defendants are: Nolen Scott Ely; Monica Marta-Ely; Ray Hubert; Victoria Hubert; Angel Hubert; the Estate of Kenneth R. Ely; and four (4) minor Plaintiffs.

10. Each Party will bear its own costs incurred during the course of the instant action.

WHEREFORE, the Minor Settling Plaintiffs, the Costellos, and the Defendants respectfully request this Honorable Court direct entry of final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Date: February 5, 2013

Respectfully submitted:

/s/ Amy L. Barrette

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Counsel for Defendants *Cabot Oil &
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Services Corporation*

CERTIFICATE OF SERVICE

I hereby certify that, on February 5, 2013, I electronically filed the foregoing **JOINT STIPULATION OF DISMISSAL AND MOTION FOR ENTRY OF FINAL JUDGMENT WITH RESPECT TO THE MINOR SETTLING PLAINTIFFS AND THE COSTELLOS** with the Clerk of Court using the CM/ECF system which will send notification of such filing to all registered users and sent a copy of same to the following via electronic mail:

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